

Ms Geraldine Hamilton
Regional Trauma Network Manager
Health & Social Care Board
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Belfast
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By email: regionaltraumanetwork@hscni.net

16th September 2019

Dear Sir/ Madam

Regional Trauma Network – Service Delivery Model and Equality Impact Assessment: Report for Consultation

The Information Commissioner is pleased to respond to the Health and Social Care Board, regarding its consultation on the proposed service delivery model of the Regional Trauma Network.

The Commissioner has responsibility for promoting and enforcing the EU General Data Protection Regulation (GDPR), the UK Data Protection Act 2018 (DPA 2018) and other information rights legislation. The Commissioner does not take a view on the proposal to create a specialised local trauma team in each Health and Social Care Trust or on any matter which is outside the scope of her responsibilities.

We welcome the opportunity to respond to the above consultation. We note that the consultation does not specifically state whether or not personal data will be processed. It is acknowledged that some or perhaps all of the data you will process for the purpose of executing the proposed service delivery model will not involve personal data or may perhaps involve data that has been anonymised and would therefore not fall within the remit of the GDPR. For further information on what constitutes personal data and on anonymisation, please see our [guidance](#).

However, where you intend to process or share personal data, you should consider carrying out a DPIA. There is [guidance](#) available on our website on how to carry out a DPIA.

Article 35(1) of the GDPR requires that a Data Protection Impact Assessment (DPIA) should be carried out by the controller where proposals are likely to result in a high risk to the rights and freedoms of individuals. The DPIA must also be carried out prior to the processing being undertaken. If the assessment highlights high risks that cannot be mitigated against, the controller must consult with the ICO in relation to the DPIA for the proposed processing operation.

At para 7.4 of the Equality Impact Assessment, it is noted that several of the target groups are vulnerable and that *'the Regional Trauma Network will need to demonstrate its accountability in relation to safeguarding, information sharing and governance standards. To this end, the Health and Social Care Board and its key partners the Health and Social Care Trusts and the Victims and Survivors Service will need to have available for scrutiny evidence of key policies, procedures and documentation.'* The examples listed include *'data protection'*, *'information sharing protocols'* and reference is made to staff training. Please note that this should also include data protection training for staff, where personal data is being processed.

We note that in your Mission Statement in the Executive Summary, you refer to partnership working and collaboration. If it is your intention to share personal data as part of these arrangements, you should ensure that a data sharing agreement or protocol is in place.

As you may be aware, the ICO's Data Sharing Code of Practice, which was prepared under the Data Protection Act 1998, has recently been revised to reflect the changes implemented by the new data protection framework under the GDPR and the Data Protection Act 2018. This code will be a statutory code for the purposes of Section 121 of the DPA 2018. Prior to drafting the code, the ICO launched a call for views in August 2018, seeking input from individuals and organisations. The [updated draft code](#) was recently out for consultation and responses closed on the 9th September 2019. Responses to the consultation are currently being considered before a final version is published. You might find this document helpful in the interim if it is indeed your intention to share personal data. Further details can be found [here](#).

Yours sincerely

A handwritten signature in grey ink, appearing to read 'Caroline Mooney'.

Caroline Mooney
Regional Manager – ICO
Northern Ireland